

Excerpts
Planning Commission Minutes
March 12, 2003

Application No. ZM-73-03, David G. Stephens et ux; Thomas S. Omiecinski et ux; S. D. Ashe Landscaping; MDC; Norman G. Patton et ux; Erlinda B. Johnson; and Grafton Christian Church: Request to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070) from LB (Limited Business) to conditional GB (General Business), subject to conditions voluntarily proffered by the property owners.

Mr. Tim Cross summarized the staff report to the Commission dated February 27, 2003. His presentation was preceded by a video and included a slide presentation of maps and site plans. Mr. Cross discussed the proffered exclusions offered by the applicant and added automobile sales to the list previously itemized in the staff report. The staff recommends approval, Mr. Cross concluded, because the proposed zoning is consistent with the Comprehensive Plan, appears to be compatible with the surrounding area, the school and townhouses are well buffered, and the proffers, acreage, lack of visibility, and lack of access to major arterials would limit somewhat the scale of development.

Mr. Heavner inquired about the depth of the parcels that are the subject of the proposal; Mr. Cross replied that most are in the range of 200-230 feet deep but one parcel is 430 feet deep.

Mr. Ptasznik asked if all of the applicants were in agreement about the proffers and Mr. Cross replied that they were.

Mr. Ptasznik inquired why the Comprehensive Plan designation of GB differs from the zoning designation of LB and what were the differences. Mr. Cross stated that both sides of the Grafton Drive corridor were originally zoned for retail commercial, but since the first zoning designation was applied there have been a number of changes. In 1985 the entire corridor was zoned CC – Community Commercial, as was that whole section of Route 17. The County no longer has the CC designation but it was basically equivalent to the current LB – Limited Business zoning. He added that the LB district was created to provide for low-intensity commercial uses that would be compatible with residential surroundings. The result has been mixed uses that work well together but the development potential, in staff's opinion, has not been realized. Rezoning to GB would increase the potential for development.

Mr. Ptasznik asked if that rezoning would nullify the village concept as discussed in the Comprehensive Plan for that area. Mr. Hendricks pointed out that the Comprehensive Plan was approved before the school complex was built or the land was improved. During consideration of the draft plan, the Comprehensive Plan Review Committee and the Planning Commission determined the prudent course was to wait and see if infrastructure was built before making any decision to designate the land for General Business. With the improvements that have been

added and the fact that the involved property owners agree, the rezoning makes sense and would not be contrary to the idea of a village center.

Mr. Cross added that, to the extent it would expedite sewer construction, rezoning to GB would facilitate a village center development as well as commercial development.

Chair Hendricks opened the public hearing.

Mr. Cross reported that **Mr. Edward L. Chambers, Jr.**, 6021 George Washington Memorial Highway, whose law office is on Route 17 directly across from Grafton Drive, was unable to attend this meeting but recorded his support for the application by letter to Mr. Cross dated March 4, 2003, in which he commented that future development of the area depends upon more businesses being located there.

Mr. David G. Stephens, 313 Marl Ravine Road, also represented the other six landowner principals and spoke for approval. Mr. Stephens discussed the following issues:

Purpose: Enhance its attractiveness for business development; encourage private participation in funding sewers.

Background: Mr. Stephens's property on Grafton Drive has been on the market 12 of the 21 years he has owned it. The combination of LB zoning district and the absence of sewer results in a lack of interest by potential developers.

Scope: Total land is less than six acres, with potential to accommodate two to four businesses in the GB category.

Current Situation: Two vacant .5-acre lots; two rental houses; one multi-family house; one vacant business; one parsonage.

Supported by: The applicants and their neighbors including Amory Funeral Home and the Law Office of Ed Chambers, York County Office of Economic Development and Planning staff.

Impact: Traffic impact extremely small for two to four new businesses. Low visual impact. Proffers exclude high-impact businesses and provide a 25-foot buffer.

Compliance: Majority of adjacent properties are zoned for general business or multi-family residential. The 2015 Land Use Map designates parcels as GB and the Comprehensive Plan indicates GB with the potential for mixed use; the Route 17 Corridor Plan does not discourage the development of Grafton Drive into a viable new corridor.

Responding to questions raised by Ms. White, Mr. Stephens said all of the applicant-property owners would work together to promote something creative and attractive and would not object to having businesses on their properties, but not all of the properties are currently on the market.

Mr. Ptasznik wanted to know if potential sales were lost because of the lack of sewer. Mr. Stephens said no potential businesses have materialized.

Mr. Heavner asked about the proffered condition authorizing small engine repair and auto/boat sales. Mr. Stephens said small engine repair was conducted on one of the properties some years ago and one of the applicant-property owners had originally suggested it not be prohibited. As for automobile or boat sales, Mr. Stephens did not believe the properties would be large enough to accommodate such business operations nor did he think they would be the best use for the small lots.

Mr. Paul Garman, 109 Chisman Point Road, agent for Mr. Stephens and two of the other applicants, spoke for approval. Mr. Garman said he has been marketing the properties for a long time. It has generated interest among a variety of businesses including a day care center, upholstery shop, used car dealer, convenience store, and townhomes. He believes the size of the property - which he characterized as little more than an acre for two combined parcels - has been a disadvantage, as has the zoning classification. Mr. Garman recommended approval to offer the potential to expand the commercial district in the County outside Route 17.

Ms. Vonda Winkler, 103 Bucktail Run, Grafton Woods, spoke in opposition. Ms. Winkler said one of the primary reasons people move to York County is the quality of schools, and the School Board opposes this plan. Ms. Winkler was primarily concerned about compromised safety of school children that must walk from Grafton Woods to the Grafton Middle/High School complex. Ball fields at the schools also draw children and parents in great numbers. Ms. Winkler expected reduced residential property values if the wrong type of business located on any of the properties, and she recommended denial.

Mr. Ptasznik asked how location of parcels in a watershed management area would affect a potential developer's plans. Mr. Cross explained that in such a case the developer would be required to submit an impact study and conform to a series of performance standards above and beyond the normal standards that would apply.

Mr. Hamilton inquired about the potential for a bar and Mr. Cross noted that a bar would be legal only as part of a restaurant in a GB-zoned district. He added that an ABC store would also be a permitted use in both LB and GB, but will not be permitted if the application is approved.

Mr. Hamilton suggested that it might be possible to locate a state probation and parole office on the property and, if so, to expect a public uproar. Mr. Cross noted that the Commonwealth is not bound by local zoning regulations.

Ms. White suggested that it might be prudent to proffer out a restaurant/bar in an effort to assist the school system in protecting its property because of a recently heightened sense of security, particularly in proximity to schools. Mr. Cross noted that a sit-down restaurant is permitted as a matter of right. Mr. Garman added that a restaurant would have to have a state ABC license in order to sell alcohol.

Mr. Heavner asked if a professional office or day care center is permitted in an LB-zoned district, and Mr. Cross stated they are permitted by right.

The Chair closed the public hearing.

Mr. Barba complimented Mr. Stephens on his presentation. He thought the concept of developing the area in question is a good one, and there is a need to consider developing a village center rather than expanding further out from the core. He said he knows people in Grafton Woods who are not opposed to having a restaurant on the properties. Mr. Barba thought a restaurant was worth considering because the lack of high visibility might discourage a number of other businesses from locating there. He expressed some concern about a commercial operation with such proximity to the entrance to Grafton Woods. Generally, however, he liked the concept and could support approval.

Ms. White said she is in favor because it is a good concept for the County and a good proposal. She suggested that the real issue, safety for students at the middle-high school complex, could possibly be addressed by placing a protected pathway at the rear of the properties for the students and other pedestrians to use.

Mr. Hamilton supported approval because the proposal was compatible with the Comprehensive Plan and was a good concept. He agreed that some sort of right-of-way to facilitate student safety would be a good idea. Approval might encourage the school district and its neighbors to facilitate beautification of the area, he added.

Mr. Heavner did not believe that rezoning to GB would encourage the highest and best use for the properties and did not agree that bringing sewer to the area was sufficient grounds to rezone. He also thought the depth of the parcels limits their attractiveness for certain businesses allowable in a GB zoning district.

Mr. Ptasznik agreed with Mr. Heavner. He thought a business park, medical-dental-legal offices or other small offices would be ideal uses, and they also would be required to install sewer. He said he could not support it because there are so many other uses that would be more appropriate. Mr. Ptasznik thought a buffer should exist between the school and any high-impact business area. Mr. Hendricks explained that he was on the Comprehensive Plan Review Committee before his appointment to the Planning Commission and one of the prospects that drew citizens' interest during the term of that study committee was the concept of a village activity center. As the applicant and Mr. Heavner mentioned, the size is self-limiting for very intensive uses. He did not

believe that the schools or neighboring residential areas would experience any high impact from the proposed rezoning. He favored approval.

Mr. Barba moved the adoption of Resolution PC03-7.

PC03- 7

On motion of Mr. Barba, which carried 4:2 (Ptasznik and Heavner opposed, Simasek absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
REZONE APPROXIMATELY 5.58 ACRES ON THE WEST SIDE OF
GRAFTON DRIVE (ROUTE 621) FROM LIMITED BUSINESS TO GENERAL
BUSINESS (CONDITIONAL) SUBJECT TO VOLUNTARILY PROFFERED
CONDITIONS

WHEREAS, David G. Stephens et ux, Thomas S. Omiecinski et ux, S. D. Ashe Landscaping, MDC, Norman Patton, Erlinda B. Johnson, and Grafton Christian Church have submitted Application No. ZM-73-03, which seeks to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070), further identified as Assessor's Parcel Nos. 29-6A (431 Grafton Drive), 29-7 (427 Grafton Drive), 29-8A (421 Grafton Drive), 29-9A (419 Grafton Drive), 29-9 (415 Grafton Drive), 29-10 (413 Grafton Drive), and 29-10A (409 Grafton Drive), from LB (Limited Business) to conditional GB (General Business), subject to conditions voluntarily proffered by the property owners; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of March, 2003, that Application No. ZM-73-03 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying seven parcels on the west side of Grafton Drive (Route 621) in the southwest quadrant of the intersection of Grafton Drive and Falling Spring Run (Route 1070), further identified as Assessor's Parcel Nos. 29-6A (431 Grafton Drive), 29-7 (427 Grafton Drive), 29-8A (421 Grafton Drive), 29-9A (419 Grafton Drive), 29-9 (415 Grafton Drive), 29-10 (413 Grafton Drive), and 29-10A (409 Grafton Drive), from LB

(Limited Business) to conditional GB (General Business), subject to the following conditions voluntarily proffered by the property owners:

1. A 25-foot green-space buffer shall be provided and maintained along the entire western boundaries of the properties except where precluded by existing structures such as parcel 311.
2. The following uses shall be prohibited:
 - Auto fuel dispensing facilities
 - Car wash
 - Small engine repairs
 - Boat sales
 - Recycling plants
 - Correctional facilities
 - Golf driving ranges
 - Tobacco stores
 - ABC stores
